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TORONTO
FACULTY OF LAW



HISTORY AND THEORY OF THE COMMON LAW

Volume 1

Fall Term 2013

Angela Fernandez

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A. Introduction (Class 1)

Sept 9	Thomas C. Grey, "Langdell's Orthodoxy"	1
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B. English Common Law (Classes 2, 3 & 4)

Sept 16	Early Common Law History	
	• J.H. Baker, " <i>An Introduction to English Legal History</i> "	54
Sept 23	17 th Century Tradition – Coke, Seldon, Hale	
	• Gerald J. Postema, "Classical Common Law Jurisprudence" (Part I and Part II)	111
Sept 30	Precedent and <i>Stare Decisis</i>	
	• Neil Duxbury, Introduction & Chapter 2 "Why does English Law have a Doctrine of Precedent" from " <i>The Nature and Authority of Precedent</i> "	137
	• Stephen Waddams' Review of Duxbury	
Background:	• Langbein, <i>History of the Common Law</i>	

C. American Legal Academy (Classes 5, 6, 7, 8, 9)

Oct 7	The Case Law Method	
	• Chapter from <i>Our Lady the Common Law</i> on Langdell	171
	• Angela Fernandez, dissertation excerpt	189
Oct 14	(No class, Thanksgiving holiday)	
Oct 21	Realism	
	• Karl Llewellyn, "Some Realism about Realism – Responding to Dean Pound"	210
	• N.E.H. Hull, " <i>Roscoe Pound & Karl Llewellyn</i> "	254

Background	
	<ul style="list-style-type: none">• Kalman, "Context and Characteristics of Legal Realism"• Duxbury, "Reinvention of American Realism"
Oct 28	Legal Process
	<ul style="list-style-type: none">• Lon. L. Fuller, "The Forms and Limits of Adjudication" 304• Robin West, "The Limits of Process" 361
Background:	
	<ul style="list-style-type: none">• Introduction to Hart & Sacks Casebook
Nov 4	(No class, Reading Week)